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Attorney's Docket No. 30563/181659

0400 (5)
Location
4/12/01
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Schafer et al. Group art: 1732
Appl. No.: 09/767,452
Filed: January 23, 2001
For: APPARATUS AND METHOD FOR MELT SPINNING A
SYNTHETIC YARN

April 18, 2001

Commissioner for Patents
Washington, DC 20231

**SUBMITTAL OF INTERNATIONAL
PRELIMINARY EXAMINATION REPORT**

Sir:

For the information of the Examiner, enclosed is a copy of the English translation of the International Preliminary Examination Report.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Office of Initial Patent Examination, Customer Service Center, Washington, DC 20231, on April 18, 2001.

Joyce D. Smith

PCT COOPERATION TREATY



PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 72.2)

From the INTERNATIONAL BUREAU

To:

KAHLHÖFER, Hermann
Bardehle, Pagenberg, Dost,
Altenburg, Geissler, Issenbruck
Uerdinger Strasse 5
D-40474 Düsseldorf
ALLEMAGNE

Date of mailing (day/month/year) 19 February 2001 (19.02.01)	IMPORTANT NOTIFICATION 19 FEB 2001 ba.
Applicant's or agent's file reference B41456PC-2626 ib	
International application No. PCT/EP99/05203	International filing date (day/month/year) 21 July 1999 (21.07.99)
Applicant BARMAG AG et al	

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

CN,JP,KR,US

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

EP,IN

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 740.14.35	Authorized officer Claudio Borton Telephone No. (41-22) 338.83.38
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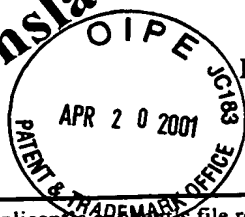
Translation

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)



Applicant's file reference B41456PC-2626 ib	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP99/05203	International filing date (day/month/year) 21 July 1999 (21.07.99)	Priority date (day/month/year) 23 July 1998 (23.07.98)
International Patent Classification (IPC) or national classification and IPC D01D 5/092		
Applicant BARMAG AG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 3 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 22 February 2000 (22.02.00)	Date of completion of this report 11 July 2000 (11.07.2000)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP99/05203

I. Basis of the report

1. This report has been drawn on the basis of (Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.):

☐ the international application as originally filed.

☒ the description, pages 1,3-15, as originally filed,
pages _____, filed with the demand,
pages 2,2a, filed with the letter of 08 June 2000 (08.06.2000),
pages _____, filed with the letter of _____.

☒ the claims, Nos. 1-13,18, as originally filed,
Nos. _____, as amended under Article 19,
Nos. _____, filed with the demand,
Nos. 14-17, filed with the letter of 08 June 2000 (08.06.2000),
Nos. _____, filed with the letter of _____.

☒ the drawings, sheets/fig 1/5-5/5, as originally filed,
sheets/fig _____, filed with the demand,
sheets/fig _____, filed with the letter of _____,
sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/fig _____

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

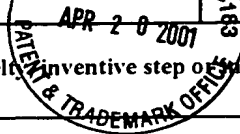
4. Additional observations, if necessary:

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 99/05203

APR 20 2007



V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	5 - 12, 14 - 15, 18	YES
	Claims	1 - 4, 13, 16, 17	NO
Inventive step (IS)	Claims		YES
	Claims	1 - 18	NO
Industrial applicability (IA)	Claims	1 - 18	YES
	Claims		NO

2. Citations and explanations

1. This report makes reference to the following document:

(D1) US-A-5 173 310.

2. Document D1, which is considered to be the closest prior art, discloses all the features of Claims 1 and 16 (cf. D1, column 3, lines 18 - 22 and 44 - 49, and Figure 2).

The subjects of Claim 1 and Claim 16 are therefore not novel and hence do not meet the criterion specified in PCT Article 33(2).

3. Dependent Claims 2 - 15 and 17 and 18 do not contain any features which, in combination with the features of any claim to which said claims refer, meet the requirements of the PCT with regard to novelty and inventive step.